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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Kristi Lea Harrington, Circuit Court Judge

Appellate Case No. 2018-001158

RECEIVED
OCT 24 2018
SC Court of Appeals

Curtis MillsRespondent

v.

The South Carolina State Ports AuthorityAppellant

**APPELLANT THE SOUTH CAROLINA STATE PORTS AUTHORITY'S
MOTION TO AMEND ORDER OF TRANSCRIPT**

Appellant South Carolina State Ports Authority (“Ports Authority”) respectfully moves this Court for an order granting the Ports Authority leave to amend its order of the transcript from the proceedings below. In support of this Motion, the Ports Authority states as follows:

1. This matter was tried before the Honorable Kristi Harrington from May 29 through June 1, 2018. The trial court denied the Ports Authority’s post-trial motions on June 8, 2018.

2. Barnwell Whaley Patterson & Helms, LLC (“Barnwell Whaley”) represented the Ports Authority at trial and on the post-trial motions. Barnwell Whaley filed a timely notice of appeal on June 20, 2018. Barnwell Whaley thereafter timely ordered portions of the trial transcript on June 25, 2018. By agreement of the parties at the time, the selection and swearing of the jury, the parties’ opening statements, and the parties’ closing statements were not ordered. The transcript of the hearing on the Ports Authority’s post-trial motions also was not ordered.

3. The transcript was delivered on August 26, 2018. The Ports Authority’s Initial Brief was due September 25, 2018. *See* Rule 208(a)(1), SCRAP. The parties agreed to, and this

Court granted, an extension of time for the filing of the Ports Authority's Initial Brief to October 25, 2018.

4. Shortly before the original deadline to file the Ports Authority's Initial Brief, attorneys with the law firm Willoughby & Hoefler, P.A. became actively involved in this appeal. The Ports Authority believes ordering additional portions of the transcript below, including closing arguments and the hearing on the Ports Authority's post-trial motions, may be of use to the parties and this Court during these proceedings. It also appears reading of the jury's verdict and associated colloquy inadvertently was not included in the transcript the parties received. The Ports Authority therefore requests leave of this Court to amend its order of the transcript. The deadline to file the Ports Authority's Initial Brief can follow according to Rule 208(a)(1), SCRAP, once the amended transcript is received.

5. This motion is not made for the purposes of delay.

6. Counsel for Respondent Curtis Mills consents to the relief requested.

Respectfully submitted,


Randell C. Stoney, Esq.

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Columbia, South Carolina
October 24, 2018

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PROOF OF SERVICE

This is to certify that I, a paralegal with the law firm Willoughby & Hoefer, P.A., have caused to be served this day one (1) copy of **Appellant The South Carolina State Ports Authority's Motion to Amend Order of Transcript** by depositing the same in the U.S. Mail to the following:

Ladson F. Howell, Jr., Esq.
Howell & Christmas, LLC
PO Box 1896
Mount Pleasant, SC 29465



Laura Lee Andrews

Columbia, South Carolina
October 24, 2018

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VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *Curtis Mills v. The South Carolina State Ports Authority*
Appellate Case No. 2018-001158

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven (7) copies of **Appellant the South Carolina State Ports Authority's Motion to Amend Order of Transcript** in the above-referenced matter. I would appreciate your acknowledging receipt of this document by file-stamping the extra copy and returning it to me via the courier.

By copy of this letter, I am serving counsel of record and enclose a Proof of Service to that effect. If you have any questions or if you need any additional information, please do not hesitate to contact me.

With kindest regards, I am

Sincerely yours,

WILLOUGHBY & HOEFER, P.A.

Randy Towell
Randolph R. Lowell

with permission by
Chad Johnston

Enclosures

October 24, 2018
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SC Court of Appeals

cc: Randell C. Stoney, Esquire
Ladson F. Howell, Jr., Esquire